

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

LEON CAREY, JR.
(Petitioner)

LOS ANGELES TIMES
COMMUNICATIONS, LLC
(Employer)

Case No. 21-UD-415

and

GRAPHIC COMMUNICATIONS
CONFERENCE, INTERNATIONAL
BROTHERHOOD OF TEAMSTERS
and/or its LOCAL 140-N
(Union)

PETITIONER LEON CAREY, JR.'S SUPPLEMENTAL BRIEF

Glenn Taubman, Esq.
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Defense Foundation
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Attorney for Petitioner Leon Carey, Jr.

On August 14, 2009, the Board granted the Petition for Review filed by Petitioner Leon Carey, Jr. The issue in this case is whether Petitioner and his co-workers are entitled to hold a deauthorization election to rescind the “union security” provision in the contract between the union and their employer. The union has argued that no deauthorization should be allowed, presumably because the union security language in the contract is precatory and not enforceable under Section 8(a)(3) of the Act.

However, the union’s recent actions show that it believes that the union security clause is enforceable and not merely precatory. The union has now sued the Petitioner and approximately 40 other employees in California state court to enforce the union security clause and collect dues and fees that are allegedly owed under that clause. (A true and correct copy of the lawsuit filed by the union against Petitioner in Case No. LAM 10M06983 is attached). This surely proves that, at least in the union’s mind, the union security clause is valid and enforceable. As such, the clause should be subject to a deauthorization vote by the affected employees.

xxx

xxx

xxx

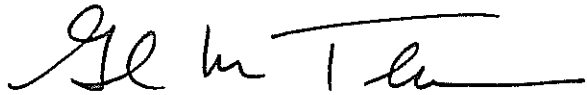
xxx

xxx

xxx

CONCLUSION: The Regional Director's decision should be reversed. The deauthorization election should be allowed, to protect the statutory rights of Leon Carey, Jr. and scores of other employees under Section 9(e). These employees have the statutory right under Section 9(e) to be free from any contractual obligation to pay dues or fees.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Glenn M. Taubman", written over a horizontal line.

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Supplemental Brief was sent as follows:

via e-mail and by the U.S. Postal Service, first-class postage prepaid, to:

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by NLRB e-filing to:

Regional Director James Small
National Labor Relations Board Region 21
888 South Figueroa Street, 9th Floor
Los Angeles, CA 90017-5449

and by the U.S. Postal Service, first-class postage prepaid to:

Graphic Communication Conference, IBT Local 140-N
24009 Pasala Court
Valencia, CA 91355

Los Angeles Times
1375 Sunflower Avenue
Costa Mesa, CA 92626

this 9th day of August, 2010

A handwritten signature in black ink, appearing to read "Glenn M. Taubman", written over a horizontal line.

Glenn M. Taubman

SC-100 Plaintiff's Claim and ORDER to Go to Small Claims Court

Notice to the person being sued:

- You are the Defendant if your name is listed in (2) on page 2 of this form. The person suing you is the Plaintiff, listed in (1) on page 2.
- You and the Plaintiff must go to court on the trial date listed below. If you do not go to court, you may lose the case.
- If you lose, the court can order that your wages, money, or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read this form and all pages attached to understand the claim against you and to protect your rights.

Aviso al Demandado:

- Usted es el Demandado si su nombre figura en (2) de la pagina 2 de este formulario. La persona que lo demanda es el Demandante, la que figura en (1) de la pagina 2.
- Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuacion. Si no se presenta, puede perder el caso.
- Si pierde el caso la corte podria ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea este formulario y todas las paginas adjuntas para entender la demanda en su contra y para proteger sus derechos.

Order to Go to Court

The people in (1) and (2) must go to court: (Clerk fills out section below.)

TRIAL DATE	DATE	TIME	DEPARTMENT	LOCATION
	09/01/2010	08:30 AM	090	5TH FLOOR, RM. 5410

Date: 07/09/2010
 JOHN A. CLARKE, Executive Officer/Clerk
 By M. THOMAS, Deputy

Instructions for the person suing:

- You are the Plaintiff. The person you are suing is the Defendant.
- Before you fill out this form, read Form SC-150, *Information for the Plaintiff (Small Claims)*, to know your rights. Get SC-150 at any courthouse or county law library, or go to: www.courtinfo.ca.gov/forms
- Fill out pages 2 and 3 of this form. Then make copies of all pages of this form. (Make 1 copy for each party named in this case and an extra copy for yourself.) Take or mail the original and these copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above.
- You must have someone at least 18—not you or anyone else listed in this case—give each Defendant a court-stamped copy of all 5 pages of this form and any pages this form tells you to attach. There are special rules for "serving," or delivering, this form to public entities, associations, and some businesses. See Forms SC-104, SC-104B, and SC-104C.
- Go to court on your trial date listed above. Bring witnesses, receipts, and any evidence you need to prove your case.

Clerk stamps date here when form is filed.

CLERK OF SUPERIOR COURT
 Superior Court of California
 County of Los Angeles
 JUL 09 2010
 John A. Clarke, Executive Officer/Clerk
 By M. THOMAS, Deputy

Fill in court name and street address:

Superior Court of California, County of
 Los Angeles: CENTRAL DISTRICT (-19462-)
 STANLEY MOSK COURTHOUSE
 110 N. GRAND AVE.
 LOS ANGELES, CA. 90012
 (213) 874-6135

Clerk fills in case number and case name:

Case Number:
 LAM 10M06983
 Case Name:
 GCC/IBT LOCAL VS CAREY, LEON

Plaintiff (list names): GCC/IBT LOCAL 140 N NON PROFIT

(1) The Plaintiff (the person, business, or public entity that is suing) is:

Name: GCC/IBT LOCAL 140 N NON PROFIT

Phone: (818) 370-7051

Street address: 25852 MC BEAN PARKWAY #312
Street

VALENCIA CA 91355
City State Zip

Mailing address (if different):
Street

City State Zip

If more than one Plaintiff, list next Plaintiff here:

Name: PINEDA, RON

Phone: (562) 884-1456

Street address: 25852 MCBEAN PARKWAY 3312
Street

VALENCIA CA 91355
City State Zip

Mailing address (if different):
Street

City State Zip

☐ Check here if more than 2 Plaintiffs and attach Form SC-100A.

☐ Check here if either Plaintiff listed above is doing business under a fictitious name. If so, attach Form SC-103.

(2) The Defendant (the person, business, or public entity being sued) is:

Name: CAREY, LEON

Phone: () -

Street address: P.O. BOX 251 #B-21
Street

SURFSIDE CA 90743
City State Zip

Mailing address (if different):
Street

City State Zip

If more than one Defendant, list next Defendant here:

Name:

Phone:

Street address:
Street

City State Zip

Mailing address (if different):
Street

City State Zip

☐ Check here if more than 2 Defendants and attach Form SC-100A.

☐ Check here if any Defendant is on active military duty, and write his or her name here:

(3) The Plaintiff claims the Defendant owes \$ 1020.00. (Explain below):

a. Why does the Defendant owe the Plaintiff money?
HAS FAILED TO PAY DUES SINCE THE RATIFICATION OF OUR CONTRACT AND
THE START OF DUES BEING PAID

b. When did this happen? (Date):
If no specific date, give the time period: Date Started: 02 / 01 / 2009 Through: 07 / 06 / 2010

c. How did you calculate the money owed to you? (Do not include court costs or fees for service.)
DUES ARE PAID ONCE A MONTH BY ALL PEOPLE, IN OUR BARGINING

☐ Check here if you need more space. Attach one sheet of paper or Form MC-031 and write "SC-100, Item 3" at the top.

Plaintiff (list names): GCC/IBT LOCAL 140 N NON PROFIT

(4) You must ask the Defendant (in person, in writing, or by phone) to pay you before you sue.

Have you done this? ☒ Yes ☐ No

If no, explain why not:

(5) Why are you filing your claim at this courthouse?

This courthouse covers the area (Check the one that applies):

a. ☒ (1) Where the Defendant lives or does business.

(2) Where the Plaintiff's property was damaged.

(3) Where the Plaintiff was injured.

(4) Where a contract (written or spoken) was made, signed, performed, or broken by the Defendant or where the Defendant lived or did business when the Defendant made the contract.

b. ☐ Where the buyer or lessee signed the contract, lives now, or lived when the contract was made, if this claim is about an offer or contract for personal, family, or household goods, services, or loans. (Code Civ. Proc., 395(b).)

c. ☐ Where the buyer signed the contract, lives now, or lived when the contract was made, if this claim is about a retail installment contract (like a credit card). (Civil Code, 1812.10.)

d. ☐ Where the buyer signed the contract, lives now, or lived when the contract was made, or where the vehicle is permanently garaged, if this claim is about a vehicle finance sale. (Civil Code, 2984.4.)

e. ☐ Other (specify):

(6) List the zip code of the place checked in (5) above (if you know): 90021

(7) Is your claim about an attorney-client fee dispute? ☐ Yes ☒ No

If yes, and if you have had arbitration, fill out Form SC-101, attach it to this form and check here: ☐

(8) Are you suing a public entity? ☐ Yes ☒ No

If yes, you must file a written claim with the entity first. ☐ A claim was filed on (date):

If the public entity denies your claim or does not answer within the time allowed by law, you can file this form.

(9) Have you filed more than 12 other small claims within the last 12 months in California?

☒ Yes ☐ No If yes, the filing fee for this case will be higher.

(10) I understand that by filing a claim in small claims court, I have no right to appeal this claim.

(11) I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year.

I declare, under penalty of perjury under California State law, that the information above and on any attachments to this form is true and correct.

Date: 07/12/2010 GCC/IBT LOCAL 140-N

Plaintiff types or prints name here

Plaintiff signs here

Date: 07/12/2010 RON PINEDA

Second Plaintiff types or prints name here

Second Plaintiff signs here

Requests for Accommodations

Assistive listening systems, computer-assisted, real-time captioning, or sign language interpreter services are available if you ask least 5 days before the trial. Contact the clerk's office for Form MC-410, Request for Accommodations by Persons With Disabilities and Order. (Civil Code, 54.8.)

SC-100A Other Plaintiffs or Defendants

[X] This form is attached to form SC-100, Item 1 or 2.

(1) If more than 2 Plaintiffs (person, business, or entity suing), list their information below:

Other Plaintiff's name: DENSON, KEITH

Phone: (661) 886-5698

Street Address: 25852 MCBEAN PARKWAY #312

City: VALENCIA

State: CA

Zip: 91355

Mailing address (if different):

City:

State:

Zip:

Is this plaintiff doing business under a fictitious name? ☐ Yes ☒ No If yes, attach Form SC-103.

Other Plaintiff's name: WILLIAMS, LINARD

Phone: (818) 370-7051

Street Address: 25852 MCBEAN PARKWAY #312

City: VALENCIA

State: CA

Zip: 91355

Mailing address (if different):

City:

State:

Zip:

Is this plaintiff doing business under a fictitious name? ☐ Yes ☒ No If yes, attach Form SC-103.

(2) If more than 2 Defendants (person, business, or entity being sued), list their information below:

Other Defendant's name:

Phone:

Street Address:

City:

State:

Zip:

Mailing address (if different):

City:

State:

Zip:

(3) I understand that by filing a claim in small claims court, I have no right to appeal this claim.

(4) I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in in California during this calendar year.

I declare, under penalty of perjury under California state law that the information above and on any attachments to this form is true and correct.

Date: _____ Type or print your name _____ Sign your name _____

Date: _____ Type or print your name _____ Sign your name _____